

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Conkling et al.

Application Serial No.: 09/963,340

Filing Date: September 24, 2001

For: **REGULATION OF QUINOLATE PHOSPHORIBOSYL TRANSFERASE
EXPRESSION**

Confirmation No: 1188

Group Art Unit: 1638

Examiner: Kallis Russell

Date: September 2, 2009


REQUEST TO REAPPLY PREVIOUSLY PAID ISSUE FEE

Dear Sirs:

Applicants note that the Issue Fee payment of \$1,510.00 was previously charged to Deposit Account No. 50-0220 on April 15, 2009, in response to a formerly mailed Notice of Allowance (mailed February 9, 2009) in the above-referenced patent application. It is respectfully requested that this previously submitted Issue Fee payment be applied as the issue fee payment required pursuant to the new Notice of Allowance in this application, mailed June 5, 2009; as advised in a communication by the Office of Petitions mailed May 8, 2009 (copy enclosed, 1 page). Applicants submit herewith the Part B – Fee(s) Transmittal sheet for this application.

No fee is believed be due. However, the Commissioner is authorized to charge Deposit Account No. 50-0220 for any additional fee required or credit any excess fee paid.

Respectfully submitted,



Mary L. Miller

Registration No. 39,303

Customer Number 20792

Myers Bigel Sibley & Sajovec, P.A.

P. O. Box 37428

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CERTIFICATION OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on September 2, 2009.



Claire Wimberly

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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PO BOX 37428
RALEIGH NC 27627

MAILED

MAY 08 2009

OFFICE OF PETITIONS

In re Application of
Mark A. Conkling et al
Application No. 09/963,340
Filed: September 24, 2001
Attorney Docket No. 5051-338CT

:
:
: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(2)
:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 7, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

* *Petitioner is advised that the issue fee paid on April 15, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹*

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 1638 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS and amendment.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B - Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

PART B - FEE(S) TRANSMITTAL

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

20792 7590 06/05/2009

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.


CERTIFICATION OF ELECTRONIC TRANSMISSION

I hereby certify that this Fee(s) Transmittal is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office, on the date indicated below.

| | |
|--------------------------|--------------------|
| Claire Wimberly | (Depositor's name) |
| <i>Claire Wimberly</i> | (Signature) |
| September 2, 2009 | (Date) |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/963,340 | 09/24/2001 | Mark A. Conkling | 5051-338CT | 1188 |

TITLE OF INVENTION: REGULATION OF QUINOLATE PHOSPHORIBOSYL TRANSFERASE EXPRESSION

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
|-----------------|--------------|----------------|--|----------------------|--------------------------|------------|
| nonprovisional | NO | \$1510 | \$0 | \$1510 | \$1510 ϕ | 09/08/2009 |
| EXAMINER | ART UNIT | CLASS-SUBCLASS |  | | | |
| KALLIS, RUSSELL | 1638 | 800-317300 | | | | |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 **Myers Bigel Sibley & Sajovec, P.A.**

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

North Carolina State University


(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Raleigh, North Carolina

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above) 

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number **50-0220** (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Mary L. Miller

Date **September 2, 2009**

Typed or printed name **Mary L. Miller**

Registration No. **39,303**

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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